



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,408	07/22/1999	MANABU OHGA	862.2936	1537

5514 7590 06/08/2004
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BHATNAGAR, ANAND P

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/358,408

Applicant(s)

MANABU OHGA AND YOKOHAMA-SHI

Examiner

Anand Bhatnagar

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/26/04 (paper #20).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/26/04 (paper #20) has been entered.
2. Applicant's arguments, see paper #20 (pages 9-12), filed on 03/26/04, with respect to the rejection(s) of claim(s) 1, 7, 8, 12, 14, 16, 18, and 20 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tanaka et al. (U.S. patent 6,081,254) and Usami (U.S. patent 5,748,342).

Examiner refers to the rejection below.

DETAILED ACTION

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 8, 14, 16, 18 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 1, 8, and 20: These claims contain a new limitation of "comparing the input viewing condition with conditions of the light sources to select a set of colorimetric data of a light source that has a condition similar to the input viewing condition" which was not in the specifications in the instant invention as originally filed. On page 20 of the original specifications of the instant invention a look up table #11 is generated/updated based on the ambient light/viewing condition, but there is no comparison step as now claimed. Regarding claims 14 and 16: These claims contain a new limitation of "a selector, arranged to select a set of colorimetric data of a light source, which has a condition similar to the input viewing condition, from the plurality of sets of colorimetric data in accordance with comparison between the input viewing condition and condition of the light sources," which was not in the original specification on the instant invention as originally filed. On page 20 of the original specifications of the instant invention a look up table #11 is generated/updated based on the ambient light/viewing condition, but there is no comparison step as now claimed.

Claims 1, 8, 14, 16, 18, and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims lack enablement for the reasons given above.

If applicant's representative believes that there are comparison steps, as now claimed in these claims, then please show where in the original specifications of the instant invention these comparison steps take place. If it can be shown that the comparison steps take place in the specifications then the 35USC 112, 1st paragraph, will be withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 8, 10, 11, 14, 16, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al. (U.S. patent 6,081,254).

Regarding claims 1 and 8: Tanaka et al. discloses an image processing method comprising the steps of:

obtaining a plurality of sets of colorimetric data which correspond to respective light sources (fig. 1 elements 104-106, col. 6 lines 23-35, and col. 7 lines 1-10 and 25-28, wherein the color data storage unit contains the different light source colors. These different light source colors are Munsell color chips and are read as colorimetric data. This light source color data is obtained from the storage unit in order for color reproduction correction based on the input of the sensor element 106.);

inputting a viewing condition (fig. 1 elements 106 and 210, col. 6 lines 25-32, and col. 7 lines 1-8, wherein the light source color data of the display as well as the environment light source is inputted to take into account these features for color reproduction correction. The display light source colors and/or the environmental light source are read as the viewing conditions);

comparing the input viewing condition with the conditions of the light sources to select a set of colorimetric data of a light source that has a condition similar to the input viewing condition, from the plurality of colorimetric data (col. 6 lines 60-67 and col. 7 lines 1-10, wherein the display signal "viewing condition" is matched/compared to the Munsell color chip data "colorimetric data" and used to perform color correction); and

conjecturing colorimetric data depending on the input viewing condition from the selected set of colorimetric data (col. 7 lines 1-10, wherein the colorimetric data is converted based on the input viewing condition).

Regarding claims 14 and 16: They are rejected for the same reasons as claim 1 and 8 above. As for the following limitations:

an obtaining section, arranged to obtain a plurality of sets of colorimetric data which correspond to respective light sources (fig. 1 element 105);

an inputting section, arranged to input a viewing condition (fig. 1 element 106);

a selector, arranged to select a set of colorimetric data of a light source, which has a condition similar to the input viewing condition, from the plurality of sets of colorimetric data in accordance with comparison between the input viewing condition and condition of the light sources (fig. 1 element 104, wherein element 104 is read as a selector); and

a conjecturing section, arranged to conjecture colorimetric data depending on the input viewing condition from the selected colorimetric data (fig. 1 element 102);

Regarding claims 18 and 20: They are rejected for the same reason as claims 1, 8, 14, and 16 above. As for the following limitation of a computer program product on a computer readable medium (col. 6 lines 63-66, wherein a CPU is performing the steps).

Regarding claim 3: The method further comprising the step of generating conversion data for color matching based on the conjectured colorimetric data (col. 7 lines 7-15, wherein the color matching is performed based on the change in the conversion expression made if need be.).

Regarding claims 4 and 10: The method wherein said comparing step includes selecting colorimetric data by comparing a chromaticity of a light source designated by the input viewing condition with chromaticities of the plurality of light sources to which the sets of colorimetric data correspond (col. 6 lines 45-59, wherein the chromaticities are used for color correction).

Regarding claims 5 and 11: The method wherein said comparing step includes comparing colorimetric data by comparing a color temperature of a light source designated by the input viewing condition with color temperatures of the plurality to which the sets of colorimetric data correspond (col. 12 lines 1-13, wherein the color temperature of the display "viewing condition" is considered to perform the color correction.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A.) Claims 2, 7, 9, 13, 15, 17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. patent 6,081,254).

Regarding claims 2, 7, 9, 13, 15, 17, and 19: The method further comprising the step of caching the conjectured colorimetric data to the profile.

Tanaka et al. discloses to perform color correction on an image based on the viewing conditions of the image display and/or the environmental lighting conditions. Tanaka et al. further discloses to take into consideration the product variations and the variations from year to year (col. 7 lines 10-15). Tanaka et al. does not teach to caching the conjectured colorimetric data to the profile nor to another profile. One skilled in the art would have motivated to modify the system of Tanaka et al. to caching the conjectured colorimetric data to the profile or another profile to track the changes of the product variations from year to year.

Regarding claim 21: It is rejected for the combination of reasons of rejected claims 18 and 20 with rejected claims 2, 7, 9, 13, 15, 17, and 19.

B.) Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. patent 6,081,254) and Usami (U.S. patent 5,748,342).

Regarding claims 6 and 12: The method wherein said generating step further comprises the steps of: It is rejected for the combination of reasons as claim 1 and 8 and claim 3 above and for the following limitation of a color appearance model: Tanaka et al. discloses to perform color correction on an

Art Unit: 2623

image based on the viewing conditions of the image display and/or the environmental lighting conditions. Tanaka et al. does not teach to use a color appearance model to perform color correction on an image. Usami teaches to use a preview of the image (Usami; fig. 6 element S2 and col. 4 lines 54-67, wherein the preview of the image is performed in order to process the image for color correction. This preview image is read as a color appearance model.). It would have been obvious to one skilled in the art to incorporate the teaching of Usami to that of Tanaka et al. because they are analogous in color correction. One in the art would have been motivated to incorporate the teaching, of a color appearance model, of Usami to the system of Tanaka et al. in order to let a user check the colors of an image to be formed (Usami; col. 1 lines 42-45).

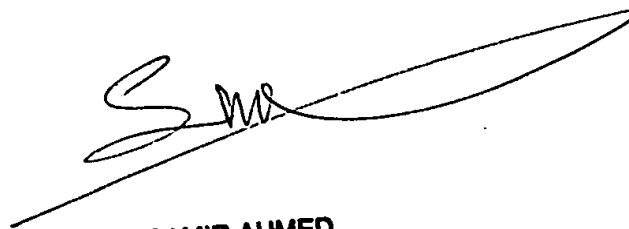
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holm (U.S. patent 6,249,315 B1) for digital image processing wherein color parameters are corrected by taking in consideration the flare of the camera wherein the flare is read as the viewing condition.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Bhatnagar whose telephone number is (703) 306-5914, whose supervisor is Amelia Au whose number is 703-308-6604, group fax is 703-872-9306, and Tech center 2600 customer service office number is 703-306-0377.



**SAMIR AHMED
PRIMARY EXAMINER**

AB

Anand Bhatnagar

Art Unit 2623

May 25, 200